

VMJ 7/9
→ HHH —
(SCAN & UPLOAD)

LAW OFFICES
ALLAN J. WADE, PLLC
One Commerce Square, Suite 2275
Memphis, Tennessee 38103
Telephone (901) 322-8005
Facsimile (901) 322-8007

Allan J. Wade
Lori H. Patterson
Brandy S. Parrish

RECEIVED

JUL 5 2007

TN Division Of Water
Pollution Control

June 29, 2007

Via Certified Mail
[7006 0100 0002 5196 2289]
Paul E. Davis, Director
Division of Water Pollution and Control
Tenn. Dept. of Environment & Conservation
6th Floor, L&C Annex
401 Church Street
Nashville, TN 37243

Via Certified Mail
[7006 0100 0002 5196 2302]
Vojin Janjic
Manager, Enforcement & Compliance Section
Dept. of Environment and Conservation
6th Floor, L&C Annex
401 Church Street
Nashville, TN 37243

RE: Fountain Brook, LLC
Director's Order No. 07-024D
Shelby County, Tennessee

Gentlemen:

Please note that this law firm represents Fountain Brook LLC ("Respondent") in the above referenced matter.

On March 9, 2007, Respondent received a Director's Order regarding a failure to comply with Tenn. Code Ann. 69-3-101 *et seq.*

The Order required in relevant part that:

2. The Respondents shall maintain appropriate professionally designed EPSC measures, including monitoring all sediment basins on site, to ensure that no material leaves the site and enters waters of the state. These professionally designed controls shall be maintained until project completion. ("Item 2").

The Order further stated that:

The Respondents shall pay EIGHT THOUSAND DOLLARS (\$8,000.00) to the division within THIRTY DAYS of default if,

June 29, 2007

Page 2

and only if, the Respondents fail to comply with Item 2 above in a timely manner.

On June 5, 2007, Respondent received a letter notifying them that personnel of the Division of Water Pollution Control had performed an inspection on May 24, 2007 and determined that the provisions of Item 2 were not met.

Respondent contests the findings of the Division personnel in their May 24, 2007 inspection. Specifically, Respondent maintains that appropriate professionally designed EPSC measures, including monitoring all sediment basins on site, have been maintained at the site for the reasons explained in the June 11, 2007 letter of Steve Hunter enclosed herein.

Accordingly, Respondents request a show-cause hearing to contest the findings in this inspection and the Division's June 5, 2007 Demand Letter finding Respondent in violation of Director's Order 07-024D. To the extent that the Division contends that a formal written petition is required to contest this inspection and the June 5, 2007 Demand Letter, such Petition is enclosed herein.

Please let me know how you would like to proceed in this matter.

Very truly yours,


Lori Hackleman Patterson

LHP/tlf
Enclosures

**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

IN THE MATTER OF:

DIVISION OF WATER
POLLUTION CONTROL

FOUNTAIN BROOK, LLC,

RESPONDENT

CASE NO. 07-024D

**RESPONDENT'S WRITTEN PETITION CONTESTING JUNE 5, 2007 DEMAND
LETTER**

Comes now Respondent and files this Written Petition Contesting the June 5, 2007 Demand Letter received from the Division in this matter finding Respondent in violation of Director's Order 07-024D and the May 24, 2007 Inspection referred to therein as follows:

1. On March 9, 2007, Respondents received a Director's Order regarding a failure to comply with Tenn. Code Ann. 69-3-101 *et seq.*

2. The Order required in relevant part that:

2. The Respondents shall maintain appropriate professionally designed EPSC measures, including monitoring all sediment basins on site, to ensure that no material leaves the site and enters waters of the state. These professionally designed controls shall be maintained until project completion. ("Item 2").

3. The Order further stated that:

The Respondents shall pay EIGHT THOUSAND DOLLARS (\$8,000.00) to the division within THIRTY DAYS of default if, and only if, the Respondents fail to comply with Item 2 above in a timely manner.

RECEIVED

JUL 5 2007

TN Division Of Water
Pollution Control

4. On June 5, 2007, Respondents received a letter notifying them that personnel of the Division of Water Pollution Control had performed an inspection on May 24, 2007 and determined that the provisions of Item 2 were not met.

5. Respondents contest the findings of the division personnel in their May 24, 2007 inspection. Specifically, Respondents maintain that appropriate professionally designed EPSC measures, including monitoring all sediment basins on site, has been maintained at the site for the reasons explained in the letter attached hereto from Steve Hunter.

Accordingly, Respondents request a hearing before the Water Quality Control Board to contest this matter.

Respectfully submitted,

By: Lori Patterson
Allan J. Wade (4339)
Lori Hackleman Patterson (19848)
Brandy S. Parrish (21631)
ALLAN J. WADE, PLLC
One Commerce Square, Suite 2275
Memphis, Tennessee 38103
(901) 322-8005

Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been mailed postage prepaid to Paul E. Davis, Director, Division of Water Pollution and Control, Tenn. Dept. of Environment & Conservation, 6th Floor, L&C Annex, 401 Church Street, Nashville, TN 37243, on this 29th day of June, 2007.

Lori Patterson